

ASSEMBLY, No. 3058

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 20, 2020

Sponsored by:

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

SYNOPSIS

Authorizes expenditures from open space trust funds to develop or maintain recreation and conservation land although the land was not acquired by the municipality.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT expanding the eligible use of amounts raised for open
2 space purposes and supplementing P.L.1997, c.24 (C.40:12-15.1
3 et seq.).
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

8 1. Notwithstanding the provisions of section 7 of P.L.1997,
9 c.24 (C.40:12-15.7) to the contrary, the governing body of any
10 municipality, the voters of which have approved a proposition
11 authorizing the imposition of an annual levy for the development or
12 maintenance of lands acquired for recreation and conservation
13 purposes, may, by adoption of an ordinance, appropriate and expend
14 amounts raised by the levy for the purpose of developing or
15 maintaining other land devoted to recreation and conservation
16 purposes, whether such land is owned by the municipality or
17 another public entity, so long as the land is located within the
18 municipality and the improvements will inure to the benefit of the
19 residents of the municipality.
20

21 2. This act shall take effect immediately.
22

23 STATEMENT 24

25 This bill would authorize municipalities, by adoption of an
26 ordinance, to appropriate and expend amounts raised through an
27 annual levy imposed for the development or maintenance of lands
28 acquired for recreation and conservation purposes for the purpose of
29 developing or maintaining other land devoted to recreation and
30 conservation purposes, whether such land is owned by the
31 municipality or another public entity, so long as the land is located
32 within the municipality and the improvements will inure to the
33 benefit of the residents of the municipality.

34 Under current law, imposition of an “open space tax” must be
35 authorized by adoption of voter referendum. A recent court
36 decision has indicated that moneys raised from this open space tax
37 for the development or maintenance of lands acquired for recreation
38 and conservation purposes cannot be appropriated and expended by
39 a municipality to improve public school fields located within the
40 municipality, because the school property was not “acquired” by the
41 municipality.

42 Under this bill, municipalities will be authorized to expend
43 “open space tax” revenues to develop and maintain other land
44 devoted to recreation and conservation purposes, whether the land
45 is owned by the municipality or another public entity, so long as the
46 land is located within the municipality and the improvements will
47 inure to the benefit of the residents of the municipality, despite the
48 provisions of current law or the constraints of a voter referendum
49 that may have limited expenditures from such revenues to lands
50 acquired by the municipality.